

15R02375, to state court summarily because Defendant removed it improperly.

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On July 9, 2015, Defendant Gregory Sims, having been sued in what appears to be a routine unlawful detainer action in California state court, filed a Notice of Removal of that action to this Court and also presented an application to proceed in forma pauperis.

The Court has denied the *in forma pauperis* application under separate cover because the action, again, was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah

Svcs., Inc., 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if 1 complete diversity of citizenship existed, the amount in controversy does not exceed the 2 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the 3 contrary, the unlawful-detainer complaint recites that the amount in controversy does not 4 exceed \$10,000. 5 Nor does Plaintiff's unlawful detainer action raise any federal legal question. See 6 28 U.S.C. §§ 1331, 1441(b). 7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the 8 Superior Court of California, County of Los Angeles, Santa Monica Courthouse, 1725 9 Main Street, Santa Monica, California 90401 for lack of subject matter jurisdiction 10 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to 11 the state court; and (3) that the Clerk serve copies of this Order on the parties. 12 IT IS SO ORDERED. 13 14 DATED: July 15, 2015 15 16 17 lited States District Judge 18 19 Presented by: 20 21 /S/ FREDERICK F. MUMM 22 FREDERICK F. MUMM 23 United States Magistrate Judge 24 25 26 27

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